241

10 *May* 1830.

(Ireland.)

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For making Provision in certain Cases for the Relief and Maintenance of Deserted Children in *Ireland*.

N. B.—*The Clauses marked* (A. *to* I.) *were added by the Committee.*

Preamble.

Irish Acts. 11 & 12 Geo 3. c. 15. 13 & 14 Geo 3 c. 24. for the relief of deserted Children.

WHEREAS an Act was made in the Parliament of *Ireland*, in the eleventh and twelfth years of his late Majesty, King *George* the Third, intituled, "An Act for the Relief of poor "Infants who are or shall be deserted by their Parents," and which was amended by another Act made in the said Parliament, in the thirteenth and fourteenth years of his said late Majesty's reign; and by the said Acts certain provisions are made for the maintenance and education of such poor deserted Infants: and it is expedient that more effectual provisions should be made for carrying into effect the purposes of the said recited Acts;

Irish Acts repealed as to Deserted Children.

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the said hereinbefore first recited Act of the Parliament of *Ireland* shall be and the same is hereby Repealed; and that so much of the said second recited Act as relates to such Deserted Children, shall also be Repealed.

At Easter Vestry, under 7 Geo. IV c. 72, two

And be it Enacted, That in every parish or union of parishes or districts deemed and reputed as a distinct parish in *Ireland* (except

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Overſeers ſhall be annually choſen, who with Churchwardens, or any one of them, ſhall take care of Deſerted Children until Years of Age, and then put them out Apprentices, &c.

in the City of *Cork*) at the vestry holden in Easter week in any year, for the election nf churchwardens, pursuant to an Act made in the seventh year nf His present Majesty's reign, intituled, " An Act tn " consolidate and amend the Laws which regulate the levy and appli- " cation of Church Rates and Parish Cess, and the election of " Churchwardens, and the maiutenance of Parish Clerks, in *Ireland*," the minister or curate, churchwardens and parishioners of such parish shall choose Two overseers out of the inhabitants of such parish, and such overseers, together with one of the churchwardens of such parish, or one of the said overseers, or one of the said churchwardens, shall have full power to carry this Act into execution; and such overseers or churchwardens, or any one of them, shall and they are hereby required to take up and provide for the maintenance and education of any such child as shall be found deserted or exposed within their respective parishes; and that it shall be lawful for such nverseers and churchwardens, or any one of them, to apply such sum as may be necessary for maintaining of any such chdd, until such child shall attain the age of years; provided that not more than the sum of pounds in the whole shall be applied for the use of any one such child so exposed or deserted, in any one year, until such child shall attain the age of years, nor more than the sum of until snch child shall attain the age of years, and that when any such child shall attain the age of years, such child shall and may be placed out apprentice, or otherwise prnvided for in some service nr employment; and tbat it shall be lawful for any such overseer or churchwarden to pay any sum of money not exceeding to any person taking such child to be an apprentice or servant.

Aſſeſſments for purpoſes of this Act ſhall be made, &c. as under 7 Geo IV. c. 72.

And be it further Enacted, That Assessments may be lawfully made for the raising the sums required for the execution of this Act in any parish, and that all such sums shall be raised, levied, assessed and accounted for in like manner to all intents and purposes as any assessment under and by virtue of the said recited Act of the seventh year of His present Majesty's reign may be raised, levied, assessed and accounted for, and as if such assessment had been mentioned in the said recited Act; and that assessments for the purposes nf this Act, shall and may be made in Easter week, or at such other times as any nther assessment under the said Act may be lawfully made.

Clause (A.) Election of Overſeer in the room of one dying.

And be it furtber Enacted, That if any overseer appointed under this Act, shall happen to die within tbe year for which he shall be so cbosen, another person shall be chosen in his room at a vestry to be called by the churchwardens within Ten days after his decease, and such vestry shall be called in such manner as is directed by the said

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said before recited Act of the seventh year of His present Majesty's reign.

CLAUSE (B) If Parish neglect to elect Overseers, Minister may appoint them.

And be it further Enacted, That if any parish shall neglect, or shall at the vestry holden in Easter week, or at any other vestry required to be holden by this Act, refuse to choose any overseers or overseer for the purpose of this Act, or shall not meet in vestry to choose such overseers or overseer, it shall be lawful for the minister, or in his absence the curate of such parish, and he is hereby authorized empowered and required by writing under his hand in the vestry book of such parish, to nominate two persons or one person, as the case shall require, to be such overseers or overseer for such parish; and such persons or person so nominated and appointed shall be invested with the same powers as any overseers or overseer elected by the parishioners pursuant to this Act.

CLAUSE (C.) Penalty on Overseer refusing to act, 10l. leviable by two Justices, as any Assessment.

And be it further Enacted, That if any overseer elected or appointed either at vestry or by the minister or curate in pursuance of this Act, shall refuse or neglect to act as such overseer, or to execute the duty of his office, such overseer of whatever religious persuasion he may be, being convicted of such refusal or neglect before two Justices of the district in which he resides in petty sessions, shall forfeit the sum of Ten pounds, such sum to be paid to the churchwardens of the parish for which any such overseer was so appointed, to be by them applied and accounted for as any money raised by assessment ought by law to be applied and accounted for; and if such sum of Ten pounds, together with the costs of conviction, shall not be paid either immediately after the conviction or within such time as the Justices at the time of conviction shall appoint, it shall and may be lawful for such Justices, or any one of them, or any other Justice of the county, city, town or place where such overseer shall reside, and they or he are or is hereby required (on the neglect or refusal of such overseer to pay such sum after the end or expiration of Eight days from the time of such conviction, or from the time appointed for the payment of such sum and not sooner,) by warrant under their or his hands or hand to empower the churchwardens or chapelwardens, or either of them, or any person named by them, or either of them, or any other person at the discretion of the said Justices or Justice, to raise off the goods and chattels of such overseer, the said sum, together with such further costs as such Justice or Justices shall judge reasonable, by distress and sale thereof, in such manner as any churchwarden is empowered to levy and raise any sum awarded by Justices for parish rates and assessments applotted on the inhabitants of any parish under the said before recited Act, and which sums such inhabitants may have neglected or refused to pay.

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CLAUSE (D.) Appeal to Seſſions againſt convictions.

And be it further Enacted, That any perſon who ſhall think himſelf aggrieved by any ſuch conviction, may appeal to the next court of general or quarter ſeſſions which ſhall be holden not leſs than Fourteen days next after the day of ſuch conviction, for the county, city, town or place where ſuch overſeer ſhall reſide; provided ſuch perſon ſhall give a notice in writing of the cauſe and matter of ſuch appeal within Seven clear days after ſuch conviction, and ſhall enter into a recognizance with one or more ſufficient ſurety or ſureties, before a Juſtice of the peace conditioned to try ſuch appeal, and to abide the judgment of the court thereon, and to pay ſuch coſts as ſhall be hy the court awarded; and the court at ſuch ſeſſions ſhall hear and determine the matter of ſuch appeal, and ſhall make ſuch order thereon, with or without coſts to either party, as to the court ſhall ſeem meet.

CLAUSE (E) If Pariſhes refuſe to make Aſſeſſments for the purpoſes of this Act, they may be made by Juſtices in petty Seſſions.

And be it further Enacted, That if any pariſh ſhall refuſe or neglect to raiſe ſuch ſums as ſhall be neceſſary for the purpoſes of this Act, or if ſuch pariſh ſhall not meet in veſtry, it ſhall and may be lawful for the Juſtices in petty ſeſſions, and they are hereby required, on information in writing, on oath, to ſummon before them, on ſome day not exceeding Fourteen days, nor leſs than Seven days, from the time of making ſuch information, and at ſome place to be in the ſaid ſummons appointed, the churchwardens and overſeers of ſuch pariſh to ſhow cauſe before them why ſuch Juſtices ſhould not make an aſſeſſment upon the inhabitants of ſuch pariſh for the purpoſes of this Act; and ſuch Juſtices at petty ſeſſions are hereby required to hear and determine the matter, and to make ſuch aſſeſſment (together with reaſonable coſts for the application for ſuch aſſeſſment, if they ſhall ſo think fit), and ſuch aſſeſſment ſhall be of the like force and effect, to all intents and purpoſes, as if the ſame had been made at any veſtry duly ſummoned for that purpoſe; provided that it ſhall and may be lawful for any inhabitant of ſuch pariſh to appeal againſt ſuch aſſeſſment, in ſuch manner and under the ſame proviſions as any other aſſeſſment may be by law appealed againſt, under and by virtue of the before-recited Act of the ſeventh year of His preſent Majeſty's reign, or any other Act which is or ſhall be in force at the time of making ſuch appeal.

Appeal.

CLAUSE (F.) Where petty Seſſions cannot be held, Two Juſtices may act as in petty Seſſions.

AND whereas the proceedings directed by this Act to be had before Juſtices in petty ſeſſions may be neceſſary to be had in diſtricts which, in purſuance of an Act made in the ſeventh and eighth years of His preſent Majeſty's reign, intituled, "An Act for the "better Adminiſtration of Juſtice at the holding of Petty Seſſions "by Juſtices of the peace in *Ireland*," ſhall be exempted from the operation of the ſaid Act, or in diſtricts in which although petty ſeſſions have been appointed to be held, yet the ſame are not held at

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at all, or if held, may be held at such intervals as may be inconvenient for the due enforcement of the provisions of this Act; BE it therefore Enacted, That whenever the proceedings directed by this Act become necessary in such districts as aforesaid, or where the petty sessions next ensuing are appointed to be held at an interval greater than Seven days from the application for such proceedings, it shall and may be lawful for any two Justices of the peace and they are hereby authorized and empowered to act in such cases as if they were in petty sessions, and the acts of such two or more Justices shall be as valid to all intents and purposes as if such proceedings had been held in a petty sessions, regularly constituted and appointed in pursuance of the said recited Act.

CLAUSE (G.) In case of parishes extending into two counties, &c. petty Sessions and Appeals shall be held where Church is situate.

AND whereas parishes and unions of parishes in *Ireland* often extend into two or more counties, or into two or more districts of counties appointed for the general or quarter sessions of the peace, or into two or more districts appointed for the holding of petty sessions; BE it therefore Enacted, That in all cases not otherwise directed by this Act, where proceedings are directed before Justices in petty sessions, or where appeals are directed to be made to the Justices of the general or quarter sessions of the peace, such proceedings shall be held at the petty sessions, or such appeal shall be heard and determined at the general or quarter sessions of the respective districts in which the church of any such parish or union shall be situate; and the proceedings at such petty sessions, and the determination of such appeal at such quarter sessions, shall be respectively to all intents and purposes, as valid, final and conclusive, as if the whole of such parish or union of parishes were situate within such districts respectively; any law, usage or custom to the contrary in anywise notwithstanding.

CLAUSE (H.) Act extended to Liberty of St. Patrick's (Dublin.)

And be it further Enacted, That the regulations and provisions of this Act shall extend to the liberty of *Saint Patrick's, Dublin.*

CLAUSE (I.)

AND whereas the said liberty is extra-parochial, BE it Enacted, That in order to provide for the appointment of overseers, and the levying of money within the said liberty, for the purposes of this Act, it shall be lawful for the Seneschal and Jury of the said liberty, at their court-leet to be held in Easter week, or within one month next after, to present such sum or sums as may be necessary for the maintenance and education of such children as shall be found deserted or exposed therein, to be levied off the inhabitants of the said liberty, as county cesses or other cesses usually are, and that the foreman of the said jury, and two other jurors to be named and appointed by the said Seneschal, shall be and act as overseers, with the same power as overseers elected in any parish in *Ireland*, for the purposes of this Act.

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11 Geo. IV.—Sess. 1830.

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